

CITY OF FORT WAYNE, INDIANA
JOURNAL OF THE PROCEEDINGS
OF THE COMMON COUNCIL

BRADBURY , BURNS , GiaQUINTA ,
HENRY , LONG , REDD ,
SCHMIDT , STIER , TALARICO ,

SESSION HAVING BEEN DELIVERED TO THE COUNCIL, WERE, ON MOTION,
APPROVED AND PUBLISHED.

THE COUNCIL THEN ADJOURNED.

CERTIFICATE

I hereby certify that I am the duly elected, acting and incumbent City Clerk of Fort Wayne, Indiana and as such the custodian of the records of the Common Council of said City and that the above and foregoing is the true, full and complete record of the proceedings of the Common Council of the City of Fort Wayne, Indiana for its Regular Session, held on Tuesday the 11th day of October, 1988, that the numbered ordinances and resolutions shown therein were duly adopted by said Common Council on said date and were presented by me to the Mayor of the City of Fort Wayne and were signed and approved or disapproved by said Mayor as and on the dates shown as to each such ordinance and resolution respectively; and that all such records, proceedings, ordinances, and resolutions remain on file and record in my office.

WITNESS my hand and the official seal of the City of Fort Wayne, Indiana, this 13th day of October, 1988.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK



THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ONE MAIN STREET • FORT WAYNE, INDIANA 46802

26 September 1988

COMMUNICATIONS FROM THE CITY PLAN COMMISSION

The Common Council of the
City of Fort Wayne
CityCounty Building
One Main Street
Fort Wayne, IN 46802

Gentlemen and Mrs. Bradbury:

Attached hereto is the recommendation of the City Plan Commission on one (1) ordinance concerning the amendment of the Zoning Ordinance (General Ordinance No. G-06-80, amending Chapter 33 of the Municipal Code of the City of Fort Wayne, Indiana, 1946.) The proposed ordinance is designated as:

Bill No. Z-88-07-15

Respectfully submitted,

CITY PLAN COMMISSION

Certified and signed this
26th day of September 1988.

Robert Hutner
Secretary

Division of Community Development & Planning

BRIEF TITLE

Zoning Ordinance Amendment

APPROVAL DEADLINE

REASON

From R-3 to M-1

DETAILS

Specific Location and/or Address

904-908 Grant Avenue

Reason for Project

New Construction for a Warehouse

Discussion (Including relationship to other Council actions)

18 July 1988 - Public Hearing

(See Attached Minutes of Meeting)

25 July 1988 - Business Meeting

Motion was made and seconded to return this ordinance to the Common Council with a DO PASS recommendation, contingent upon the developer satisfying the following conditions

1) If authorization is granted by the Board of Works, provide a landscape screen along the south property line. Such screen to be approved by CD&P's Landscape Architect. (This requirement shall be void if authority can not be obtained.)

2) Provide a restrictive covenant, in a form acceptable to the Commission's attorney, that will limit access to Grant Street or the northerly alley only. No access will be allowed from Washington Blvd., however the petitioner may reserve the right to appeal this restriction in the future.

Motion carried.

POSITIONS

RECOMMENDATIONS

Sponsor

City Plan Commission

Area Affected

City Wide

Other Areas

Applicants/
Proponents

Applicant(s)

AALCO Distributing Co., Inc.
City Department

Other

Opponents

Groups or Individuals

Basis of Opposition

Staff
Recommendation☒ For☐ Against

Reason Against

Board or
Commission
Recommendation

By

☒ For☐ Against☐ No Action Taken
☐ For with revisions to conditions
(See Details column for conditions)
CITY COUNCIL
ACTIONS
(For Council
use only)☐ Pass☐ Other☐ Pass (as
amended)☐ Hold☐ Council Sub.☐ Do not pass

DETAILS

POLICY/PROGRAM IMPACT

Of the nine (9) members present eight (8) voted in favor of the motion, one (1) did not vote.

NOTE: This petition has been held until the conditions could be satisfied.

Policy or
Program
Change

☐ No

☐ Yes

Operational
Impact
Assessment

(This space for further discussion)

Project Start

Date 15 June 1988

Projected Completion or Occupancy

Date 26 September 1988

Fact Sheet Prepared by

Date 26 September 1988

Patricia Biancaniello

Reviewed by

Weth

Date *Sept. 26, 1988*

Reference or Case Number

- a. Change of Zone #353
From R-3 to M-1
904-08 Grant Avenue

A. W. Fruechtenicht, attorney for the petitioners AALCO Distributing Company Inc., appeared before the Commission. Mr. Fruechtenicht stated that AALCO Distributing is a beer and wine warehousing and distributor. He stated that it has been in business since 1949 and has been at its present location, at the corner of Washington and Grant since the early 1960's. He stated this business is locally owned and operated. He stated the reason for the request is that it has run out of room at its existing location and it must have additional warehousing space and it desires to build adjacent to its existing buildings. Mr. Fruechtenicht stated that immediately to the west of the property in question is a residence which the AALCO has the option to buy from the present owner, who is quite elderly, after he dies. He stated that this option has been extended to 1991. He stated that the owner of the adjacent property has, to his knowledge, raised no objection to the rezoning. He stated that immediately to the west of this property AALCO owns a vacant lot. He stated immediately south of the property in question, between Falstaff Brewery and Anthony Blvd., is the Lutheran Cemetery. He stated that to the immediate east of the property in question is the existing complex of AALCO Distributing Company facility, and next to AALCO is Franke Plating. He stated that north and northeast is zoned M-2, and being used for industrial. He stated by the Commission allowing the expansion of the AALCO Distributing, in this area, there is less of a chance that AALCO will be forced to seek a new suburban site and abandoned its existing site. He stated it is bulging at the seam and it must expand. He stated he felt there was nothing but positive reasons for allowing this rezoning and no negative reasons. He stated that the staff had recommended DO PASS with two conditions. One being that there be a landscape screen along the south property line, which would be Washington Street. The second is to provide a restrictive covenant in a form acceptable to the Commission's attorney that there is no access to and from Washington Blvd, limiting access to Grant Avenue only. He questioned why the were requiring a landscape screen. He stated that the only site of this area is that of across the street and that is the cemetery, no one else along this corridor has any landscape screening existing. He stated that they have no problem with providing some type of a screen along those areas where we will be putting parking. He stated that they would ask that they not require landscaping wherever they put a building, because the building that they intend to build is already very tight for space, the building has been designed, and they are asking that they not be asked to have it redesigned. He stated that by the Commission requiring 2 or 3 feet for landscaping, it will reduce the interior square footage of the building and will reduce the use of it. He stated that they need every inch of building space available. He stated that they will agree to cooperate with the city by landscaping city

owned property adjacent to their lots. He stated that with regard to limiting the access from Grant Street only, they need to get in from Grant Street and also from the alley behind. He stated that they had spoken with staff that day and felt that it was not intended to limit them from using the alley. He stated that he would ask the Commission not to require a permanent covenant as is proposed in this condition. He stated that they are willing to accept one that reads, "Any driveway access onto Washington Street shall only be as approve by the Fort Wayne Street Department or the Plan Commission". He stated that a permanent covenant could tie them up indefinitely. He requested that the Commission consider the modifications to the conditions.

Yvonne Stam questioned if the plans for the building had been submitted to the staff.

Mr. Fruechtenicht stated it had not been.

Ms. Stam questioned if it could be made available prior to the Business Meeting so that they could consider the landscape question that was raised.

Mr. Fruechtenicht stated he would do everything possible to get them a copy.

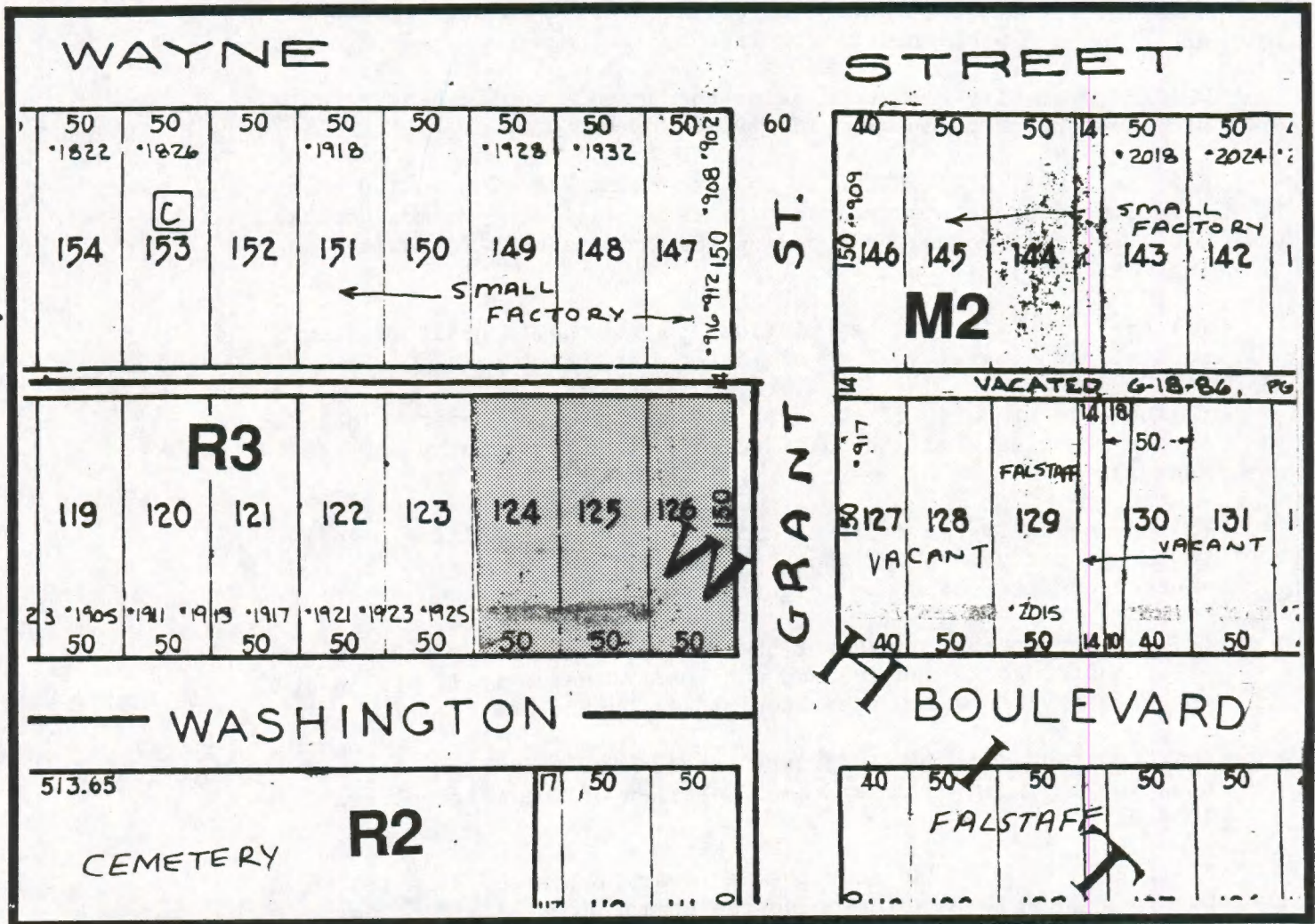
There was no one else present who wished to speak in favor of or in opposition to the proposed rezoning.

REZONING PETITION #353

A PETITION TO AMEND THE ZONING MAP BY RECLASSIFYING THE DESCRIBED PROPERTY FROM A R3 DISTRICT TO A M1 DISTRICT.

MAP NO. P-6

COUNCILMANIC DISTRICT NO. 1



ZONING:

R2 RESIDENTIAL DISTRICT

R3 RESIDENTIAL DISTRICT

M2 GENERAL INDUSTRY

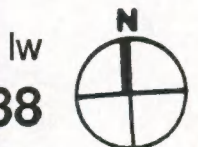
LAND USE:

☐ SINGLE FAMILY

☒ COMMERCIAL

SCALE: 1" = 200'

DATE: 6-24-88



RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on July 12, 1988, referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated Bill No. Z-88-07-15: and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on July 18, 1988.

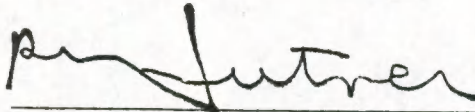
NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a DO PASS recommendation based on the Commission's following "Findings of Fact":

- (1) the grant will not be injurious to the public health, safety, morals, and general welfare of the community;
- (2) the use or value of the area adjacent to the property included in the rezoning will not be affected in a substantially adverse manner;
- (3) the need for the rezoning arises from some condition peculiar to the property involved and the condition is not due to the general conditions of the neighborhood;
- (4) the strict application of the terms of the zoning ordinance will constitute an unusual and unnecessary hardship if applied to the property for which the rezoning is sought; and,
- (5) the grant does not interfere substantially with the comprehensive plan adopted under the 500 series of the metropolitan development law.

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held July 25, 1988.

Certified and signed this
26th day of September 1988.



Robert Hutner
Secretary

A.W. Fruechtenicht, agent for AALCO Distributing Company, Inc.
requests a change of zone from R-3 to M-1.

Location: 904-908 Grant Avenue

Legal: Lots 124-125-126 White's First Addition Amd.

Land Area: Approximately 0.516 acres

Zoning: R-3

| | | | |
|---------------|-------|-----|-------------------|
| Surroundings: | North | M-2 | Industrial |
| | South | R-2 | Lutheran Cemetery |
| | East | M-2 | Industrial |
| | West | R-3 | Residential |

Reason for Request: Warehousing

Neighborhood Assoc.: Memorial Park

Landscape: Recommend requiring any parking areas developed on site meet Z-10 parking area improvement requirements plus provide a minimum 3' high landscape screen along street frontages of parking areas.

Neighborhood Plan: No comment.

Comprehensive Plan: The general land use policies of the Comprehensive Plan state that rezoning and development proposals should be compatible with existing and planned land uses and should not establish an undesirable precedent in the area to be developed. The three main goals for the Central Area, where this request is located, are: 1) to maintain existing development; 2) to halt deterioration; and to encourage investment. Expansion of existing industrial uses at this location is consistent with the Comprehensive Plan.

Planning Staff Discussion:

This parcel is currently used as a fenced in parking area. Ownership records indicate the owner of record is P.G. Elliot Warehouse & Realty Corp., which we have been informed has merged with AALCO Distributing Company, Inc.

AALCO's main building site is directly across the street to the east, with a cemetery to the south, and other industrial uses to the north. The existing parking use was approved by the Board of Zoning Appeals in 1971 as a contingent use.

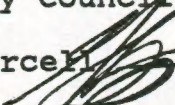
Due to the existing development in the area, we feel that approval of this request would have little or no negative impact on the area character, or associated property values. Minimal residential uses exist on the north side of Washington Blvd. between this site and Anthony Blvd.

Recommendation: Conditional Approval, contingent upon the developer satisfying the following:

- 1) If authorization is granted by the Board of Public Works, provide a landscape screen along the south property line. Such screen to be approved by CD&P's Landscape Architect. (This requirement shall be void if authority can not be obtained.)
- 2) Provide a restrictive covenant, in a form acceptable to the Commission's attorney, that will limit access to Grant Street or the northerly alley only. No access will be allowed from Washington Blvd., however the petitioner may reserve the right to appeal this restriction in the future.



MEMORANDUM

TO: The City Council
FROM: Greg Purcell 
DATE: October 10, 1988

SUBJECT: Skinner Broadbent Annexation

At the Plan Commission public hearing on September 19, 1988 the applicant requested to reduce the annexation area by deleting the portion of land south of Flaugh Ditch.

At their Business Meeting on September 26, 1988 the Plan Commission approved the annexation with the Conditions that a new legal description be filed and the fiscal plan be revised to reflect the reduced area to be annexed. Enclosed with this memo is a time schedule from the Law Offices of Rothberg, Gallmeyer, Fruechtenicht and Logan, attorneys for the Skinner Broadbent Company requesting adoption of the ordinance on October 11, 1988. The annexation is voluntary and we recommend approval to comply with the developer's timeline.

GP/VCS/de

cc: Tom Gallmeyer
David Smelko

THE SKINNER & BROADBENT COMPANY

Fort Wayne U.S. 24 West Project

Revised Timetable

Best Case Scenario

- | | |
|---|---|
| 1. Do-Pass Recommendation given to Annexation Ordinance by Allen County Plan Commission | September 26, 1988 |
| 2. Annexation Ordinance adopted by City Council | October 11, 1988 |
| 3. Annexation Ordinance signed by Mayor | October 13, 1988 |
| 4. First Publication Date | October 18, 1988 |
| 5. Second Publication Date | October 25, 1988 |
| 6. Filing Deadline for December 19 Plan Commission Public Hearing | November 18, 1988 |
| 7. December Public Hearing | December 19, 1988 |
| 8. Filing Deadline for January Plan Commission Public Hearing | December __, 1988 (exact date unknown) |
| 9. Annexation Becomes Effective | December 26, 1988 |
| 10. Plan Commission Business Session | January 9, 1989 |
| 11. Plan Commission January Public Hearing (Preliminary Development Plan and Zoning) | January 23, 1989 (proposed date) |
| 12. Plan Commission January Business Session (Preliminary Development Plan and Zoning) | January 30, 1989 (proposed date) |
| 13. City Council adopts Zoning Ordinance | February 7, 1989 (proposed date) |